IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO. 10585 OF 2004

Nagindas Khandwala College & Ors. ...Petitioners.
Vs.
Smt. Nalini Deodhar. ...Respondent.

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Mr. Gangadhar J. Sabnis for the Petitioner.

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CORAM : DR.D.Y.CHANDRACHUD, J.

May 4, 2005.

P.C.:

The University and College Tribunal granted reinstatement and back wages to the Respondent. The Tribunal observed in the concluding part of its order that the Respondent would in any event be retiring shortly. Counsel appearing on behalf of the Petitioner states that the Respondent has been paid all her back wages until the date of retirement in the normal course. Having regard to the aforesaid factual position, it is not necessary for the Court to entertain this petition under Article 227. The Tribunal has held that the chargesheet was entirely vague. A perusal of the chargesheet would show that there were absolutely no details of the alleged misconduct. The Enquiry Officer was also

found to have recorded only a summary of the evidence of the witnesses and to have taken on record affidavits of the witnesses subsequently, a procedure which is unknown to law. The Respondent was also denied the benefit of being represented by a defence representative. The Respondent had clarified that she did not want the assistance of a lawyer, but she may be allowed to be represented by a defence witness which was not allowed. Having regard to the nature of charges, the Tribunal was justified in the view which it took. In any event, the Petition has been rendered academic now in view of the retirement of the Respondent and in view of the statement of the Petitioner that all dues have been paid. The Petition is accordingly disposed of.

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